IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRSDT DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6917 of 2005

Between:

M.Rajesh Kalyan, S/o.M.Peddavala Raju,
R/o.48, NGO's Colony, Guntur.

..... PETITIONER

AND

1 Jawaharlal Nehru Technological University, rep.by its Registrar, Kukatpally, Hyderabad.
2 Adam's Engineering College, rep.by its Principal,.Paloncha, Khammam District.
3 The Principal, Adam's Engineering College, Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ declaring the action of respondents in not allowing the petitioner to continue in 2nd Semister of 3 year course of EEE of 4 years duration and for writing 2nd Semister of 3 years examination and letter dt.14-03-1995 issued by respondents 2 and 3 as illegal, arbitrary and unconstitutional or pass such other order or orders as this Hon'ble court may deem fit and proper in the interests of justice.

Counsel for the Petitioner : MR. A.RAJASEKHAR REDDY

Counsel for the Respondents : MR.K.RATHANGA PANI REDDY

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6917 OF 2005

ORDER :

The petitioner is a student of 3rd year B.Tech. (EEE) in the 2nd respondent College. By letter dated 9-3-2005, the father of the petitioner was informed by the Principal of the 2nd respondent College that the petitioner is involving in unlawful activities including manhandling the co-students. Thereafter, it appears that the matter was placed before the Academic Committee of the College and consequently as per the decision of the Academic Committee the petitioner was issued Transfer Certificate and the said fact was informed to the petitioner's father by letter dated 14-03-2005 requesting to take the T.C. and Original Certificates personally. Aggrieved by the said action of the 2nd respondent, this writ petition is filed seeking a declaration that the action of the respondents in not allowing the petitioner to continue the 2nd semester of III year and not allowing him to appear for the examinations scheduled to be commenced from 4-4-2005 as arbitrary and illegal. The only grievance of the petitioner appears to be that he was not afforded any opportunity to rebut the allegations before taking the impugned decision.

Heard the leaned Counsel for the petitioner and perused the material on record.

It is not in dispute that the matter was placed before the Academic Committee of the 2nd respondent College and the impugned action is in terms of the decision of the Academic Committee. This Court while exercising the jurisdiction under Article 226 of the Constitution of India will not interfere with such academic affairs particularly when it was based on the opinion of an expert body. That apart, nothing has been placed before this Court to show that the 2nd respondent has acted in violation of any statutory provisions nor there is any allegation of mala fides. As a matter of fact, the 2nd respondent which is a Private Educational Institution, is not a State within the meaning of Article 12 of the Constitution of India and as such it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Viewed from any angle, I do not find any justifiable reason to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

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1st April, 2005.

Gbs

To

1 The Registrar, Jawaharlal Nehru Technological University, Kukatpally, Hyderabad.
2 The Principal, Adam's Engineering College, Paloncha, Khammam District.
3. Two CD copies.